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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,537	01/14/2000	Robert D. Wilson	BLO1134-014	8517

8698 7590 04/15/2004  
STANDLEY LAW GROUP LLP  
495 METRO PLACE SOUTH  
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DUBLIN, OH 43017

EXAMINER

WASYLCHAK, STEVEN R

ART UNIT PAPER NUMBER

3624

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/483,537

Applicant(s)

WILSON, ROBERT D.

Examiner

Steven R. Wasylchak

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*ML*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2000.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 27, 29 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27, 29 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This office action is in response to Applicant's amendment received Jan. 22, 2004.
2. Examiner has carefully analyzed Applicant's arguments and has found them to be unpersuasive. In particular, on page 8, Examiner respectfully disagrees with Applicant's contention that the value of the tax refund in Longfield is not available for spending by the tax filer. That value represents a proxy for "cap" whereby the card holder can exhaust up to the cap benchmark and to wipe it out to zero. Thus there is a positive correlation between the amount available for spending and the secured value.
3. Furthermore, and most importantly, col. 1, L 51-53 *states* that tax filers can receive simple, plain vanilla "*credit cards*". No mention is made of collateral or secured credit cards in this blanket statement.
4. The secured credit card is in effect a loan based on the tax refund and col 5, L 13-18 states that the IRS refund payment will automatically pay off the loan so that the secured credit card holder does *not* have back incurred charges as Applicant asserts on page 9.
5. Examiner restates for the convenience of the Applicant the prior office action. Claims 27, 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemp "Discover Debuts its First Platinum Card, DM News, 1999 in view of Longfield (US 5,724,523).

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Claim 27, Kemp discloses a system for distributing spending vehicles comprising: a refund; an individual entitled to receive a payment; a spending vehicle; a sponsor of the spending vehicle;

and an assignment of the right to receive at least a portion of the payment related to the refund from the individual to the sponsor, wherein the spending vehicle is issued from the sponsor to the individual in an amount based upon a value of the assignment of the right to receive the at least a port of the payment related to the refund (see paragraphs 2, 4) but does not disclose wherein the refund is a tax refund from a government entity.

Longfield teaches an electronic Income tax refund system utilizing the tax refund to underwrite issuance of a secured credit card (see abstract). It would have been obvious to one of ordinary skill in the art at he time the invention was made to use the tax refund in Longfield as payments rights to be used in the method of Kemp. Kemp discloses the use of a credit card to issue refunds and Longfield is teaching the use of a tax refund to underwrite a credit card, both are payment rights.

Specifically as to claim 29, wherein the amount of the spending vehicle exceeds the value of the assignment of the right to receive the at least a portion of the payment related to the tax refund, see Kemp, paragraph 4, line 4 "receiving a gift certificate worth double the 1 % reward". Specifically as to claim 31, see above rejection for claim 29.

This action is FINAL. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wasylchak whose

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telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 8:00 to 6:00 p.m. EST.

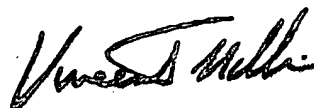

If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for At Unit 3624 is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylchak

BS(EE), MBA, JD

3/30/04



VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600